

March 20, 2013

Mr. Lee Weber
Director of Environmental Services
ATI - Wah Chang
1600 Old Salem Road
PO Box 460
Albany, Oregon 97321-0460

RE: Sampling and Analysis Plan
ATI-Wah Chang
ORD 05095 5848
Linn County

The Oregon Department of Environmental Quality received ATI-Wah Chang's Response to the Pre-Enforcement Notice (PEN-WRS-HW-12-85) dated October 25, 2012. This letter responds to Wah Chang's submittal of a proposed sampling analysis plan for hazardous waste generated at ATI-Wah Chang.

A waste is reactive if it meets any the criteria at 40 CFR 261.23. There is no single test or set of reliable test methods to evaluate a reactive waste. Therefore, EPA uses narrative criteria to define most reactive wastes. The narrative criteria, along with knowledge or information about the waste properties, must be used to classify waste as reactive.

Because standardized, approved methods are not available for ignitability of solids, the characteristic determination (e.g. determining whether solids will cause vigorous and persistent fire through friction, absorption of moisture or spontaneous chemical changes under normal handling conditions and can burn so vigorously that it creates a hazard, as listed in the regulations) depends upon knowledge of the waste stream, as noted in 40 CFR 262.11(c)(2). Waste analyses of solid materials may be helpful for determining if any of the detectable compounds are known to be ignitable. Please note that meeting any (not all) of the properties specified in the definition of ignitability qualifies a waste as characteristically ignitable (RCRA Online 13496). The definitions of reactivity and ignitability definitely apply to waste zirconium swarf fines.

Although a sampling analysis plan is one of the tools that may provide some useful information, Wah Chang must use the narrative standards to determine whether the zirconium swarf is hazardous. DEQ has no further comments on the plan. Please be advised that the plan is neither approved nor denied by DEQ. As DEQ stated in the Pre-Enforcement Notice, "the generator has the responsibility to determine if a waste is a RCRA hazardous waste".

In conclusion, the responsibility for determining whether a waste exhibits a characteristic of hazardous waste still remains with the generator.

Sincerely,

Susan Shewczyk
Sr. Hazardous Waste Inspector
Western Region
Copy Electronic:
Office of Compliance and Enforcement, Nesbitt
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